

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-24-13

ROMULO A. ZAPATA,  
Plaintiff, : 12 Civ. 738 (ALC)

-against- : ORDER ADOPTING REPORT  
& RECOMMENDATION

ISABELLA GERIATRIC CENTER :  
Defendant. :  
X

**ANDREW L. CARTER, United States District Judge:**

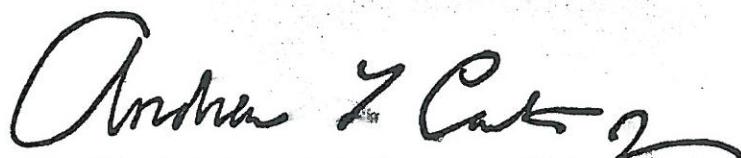
On April 1, 2013, Magistrate Judge Debra Freeman filed a Report and Recommendation dismissing Plaintiff Romulo A. Zapata's employment discrimination claim without prejudice for failure to prosecute. The Report and Recommendation provided 14 days from service of the Report in which Zapata could file objections. It further noted that failure to file an extension of time should be directed to this Court. The Report warned that failure to file objections within 14 days will result in waiver of objections and preclude appellate review. As of the date of this order, Zapata has not filed any objections to the Report and Recommendation. Zapata likewise has not requested an extension of time for filing objections.

Pursuant to 28 U.S.C. § 636(b)(1)(B), a magistrate judge may "submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court," of an involuntary motion to dismiss. The scope of review of the magistrate's report is *de novo*. The Court has reviewed Magistrate Judge Freeman's Report and Recommendation. The Court has also reviewed the case docket, reflecting that Zapata has not yet served Defendant with a copy of the complaint and has otherwise failed to prosecute the case, despite several warnings that his case could be dismissed for failure to prosecute. (*See* Dkt. Nos. 6, 9).

Accordingly, the Court adopts the Report and Recommendation in its entirety. Zapata's complaint is dismissed without prejudice.

SO ORDERED.

Dated: April 23, 2013  
New York, New York



United States District Judge